

O

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD VERDUGO,

Petitioner,

vs.

DOMINGO URIBE, JR., Warden,

Respondent.

Case No. CV 09-9483-AG (DTB)

ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. Objections to the Report and Recommendation have been filed herein. Having made a de novo determination of those portions of the Report and Recommendation to which objections have been made, the Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge. Further, although it finds that Petitioner's "actual innocence" claim lacks substantive merit, the Court also observes that, in a decision filed after this Report and Recommendation, the United States Court of Appeals for the Ninth Circuit held that there is no "actual innocence" exception to the one-year statute of limitations for state prisoners' habeas corpus petitions. *See Lee v. Lampert*, __F.3d__, No. 09-35276, 2010 WL 2652505 (9th Cir. July 6, 2010).

1 IT THEREFORE IS ORDERED that Judgment be entered denying the Petition
2 and dismissing this action with prejudice.

3 DATED: July 30, 2010



5 ANDREW J. GUILFORD
6 UNITED STATES DISTRICT JUDGE